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8 Health Products, Inc. and Nikki Haskell

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

11 GRADY JACKSON and KELLEY
12 ALEXANDER, in their representative
13 capacity pursuant to Cal. Bus. & Prof. Code
14 §§17203, 17535 and Cal. Code Civ. Pro. §§
382, 1021.5,

15 Plaintiffs,

16 vs.

17 BALANCED HEALTH PRODUCTS, INC., a
18 Delaware Corporation, NIKKI HASKELL, an
19 individual, GENERAL NUTRITION
20 CORPORATION, a Pennsylvania Corporation,
21 GENERAL NUTRITION CENTERS, INC., a
22 Pennsylvania Corporation; VITAMIN SHOPPE
23 INDUSTRIES, Inc. a New York Corporation;
and, DOES 1-50, inclusive,

Defendants.

CASE NO. C08-05584-CW

[Assigned to the Hon. Claudia Wilken]

**STIPULATION TO CONTINUE REPLY
AND SUBMISSION OF DEFENDANT
NIKKI HASKELL'S MOTION TO
DISMISS SECOND AMENDED
COMPLAINT; ORDER**

[LOCAL RULE 6-1(A)]

24 IT IS HEREBY STIPULATED by and between the parties, Plaintiffs Grady Jackson and
25 Kelley Alexander and Defendant Nikki Haskell, through their respective counsel, pursuant to
26 Local Rule 6-1(a), with reference to the following facts:

27 1. By Clerk's Notice dated August 18, 2009, the Clerk gave notice to the parties that, on
28 its own motion, this Court ordered that (a) Defendant Nikki Haskell's Motion to Dismiss Second

1 Amended Complaint would be taken under submission on the papers and that the hearing,
2 previously scheduled for September 10, 2009, was vacated, (b) Opposition to the motion would be
3 due August 20, 2009 and (c) any Reply would be due August 27, 2009;

4 2. On August 26, 2009, at a Further Settlement Conference in this matter held before the
5 Honorable Joseph C. Spero, the parties reached an agreement in principal to settle the entire case;

6 3. The proposed settlement is currently being documented, a process that will likely take
7 a few weeks to complete;

8 4. Judge Spero has issued an order for a Further Settlement Conference set on October 1,
9 2009, if necessary, to ensure that the settlement documenting process proceed and are completed;

10 5. In light of the foregoing, and in the very unlikely event that the matter does not settle,
11 Plaintiffs and Defendant Haskell wish to continue the date for her Reply and, thus, for this Court
12 to thereafter take under submission Defendant Haskell's Motion to Dismiss the Second Amended
13 Complaint thereafter, to October 8, 2009.

14 **IT IS THEREFORE STIPULATED** that Defendant Nikki Haskell shall have up to and
15 including October 8, 2009 to file a Reply to Plaintiffs' Opposition to Defendant Haskell's Motion
16 to Dismiss Second Amended Complaint and that the Court will thereafter take the matter under
17 submission on the papers.

18 Dated: August 27, 2009 FARBER & COMPANY ATTORNEYS

19 By: /s/ Eric J. Farber
20 Eric J. Farber
21 Attorneys for Plaintiffs Grady Jackson and Kelley Alexander

22 Dated: August 27, 2009 PINNACLE LAW GROUP, LLP

23 By: /s/ Andrew A. August
24 Andrew A. August
25 Attorneys for Plaintiffs Grady Jackson and Kelley Alexander

26 Dated: August 27, 2009 /s/ David L. Gernsbacher
27 David L. Gernsbacher,
28 Attorney for Defendants Balanced Health Products, Inc.
and Nikki Haskell

1 PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

2 

3
4 United States District Judge

5 9/1/09
6 Dated: _____

7
8 **ATTESTATION OF CONCURRENCE IN FILING**

9 Pursuant to N.D. Cal. General Order No. 45, section 45 X(B), David L. Gernsbacher
10 hereby attests that concurrence in the filing of this stipulation and proposed order has been
11 obtained from counsel for the non-filing parties.
12

13 /s/ David L. Gernsbacher
14 David L. Gernsbacher,
15 Attorney for Defendants Balanced Health
16 Products, Inc. and Nikki Haskell
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PROOF OF SERVICE

I am over the age of 18 and not a party to the within action. My business address is 9107 Wilshire Blvd., Suite 450, Beverly Hills, CA 90210.

On August 27, 2009, I served the document described as **STIPULATION TO CONTINUE REPLY AND SUBMISSION OF DEFENDANT NIKKI HASKELL'S MOTION TO DISMISS SECOND AMENDED COMPLAINT; ORDER** through the Notice of Electronic Filing ("ECF") for parties and counsel, all of whom are registered ECF Users:

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I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Executed on August 27, 2009, at Beverly Hills, California.

/s/ David L. Gernsbacher
David L. Gernsbacher